

CONFERENCE COMMITTEE REPORT DIGEST FOR SB 272

Citations Affected: IC 25-1; IC 25-40; noncode.

Synopsis: Regulation of soil scientists. Conference committee report for ESB 272. Provides that after January 1, 1999 an individual may not practice soil science unless issued a certificate by the board of registration for soil scientists. Creates the board of registration for soil scientists. Provides that the board consists of four registered professional soil scientists and one individual representing the public at large. Requires the board to enter into a contract with the state chemist under which the state chemist provides clerical support, record keeping services, and office space to the board. Creates a program for the registration of professional soil scientists. Establishes education, examination, and work qualifications for registration as a professional soil scientist and establishes separate qualifications for registration as an associate soil scientist. Requires the board to publish yearly a roster showing the names and places of business of all registered soil scientists. Provides for investigation and disciplinary procedures of registered soil scientists. Provides for administrative and judicial review of a decision of the board regarding a soil scientist's registration. Provides staggered initial terms for board members and that soil scientists appointed initially appointed as board members are certified rather than registered. Allows certain individuals to obtain registration without satisfying the education and examination requirements for registration. Exempts individuals in certain professions from the registration requirements. (This conference committee report puts the bill in substantially the form it was in when it left the senate with the following changes: (1) the addition of two technical corrections; (2) the removal of specific criteria for soil scientists appointed to the board; (3) the removal of the requirement that the governor appoint members of the board from a list provided by organizations representing soil scientists; and (4) a noncode provision requiring the initial appointments of soil scientists to the board to be certified rather than registered.).

Effective: July 1, 1998.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 272 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.253-1997(ss),
- 4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 1998]: Sec. 6. (a) As used in this section, "license" includes
- 6 all occupational and professional licenses, registrations, permits, and
- 7 certificates issued under the Indiana Code, and "licensee" includes all
- 8 occupational and professional licensees, registrants, permittees, and
- 9 certificate holders regulated under the Indiana Code.
- 10 (b) This section applies to the following entities that regulate
- 11 occupations or professions under the Indiana Code:
- 12 (1) Indiana board of accountancy.
- 13 (2) Indiana grain buyers and warehouse licensing agency.
- 14 (3) Indiana auctioneer commission.
- 15 (4) Board of registration for architects.
- 16 (5) State board of barber examiners.
- 17 (6) State board of cosmetology examiners.
- 18 (7) Medical licensing board of Indiana.
- 19 (8) Secretary of state.
- 20 (9) State board of dental examiners.
- 21 (10) State board of funeral and cemetery service.
- 22 (11) Worker's compensation board of Indiana.
- 23 (12) Indiana state board of health facility administrators.
- 24 (13) Committee of hearing aid dealer examiners.
- 25 (14) Indiana state board of nursing.

- 1 (15) Indiana optometry board.
- 2 (16) Indiana board of pharmacy.
- 3 (17) Indiana plumbing commission.
- 4 (18) Board of podiatric medicine.
- 5 (19) Private detectives licensing board.
- 6 (20) State board of registration for professional engineers.
- 7 (21) Board of environmental health specialists.
- 8 (22) State psychology board.
- 9 (23) Indiana real estate commission.
- 10 (24) Speech-language pathology and audiology board.
- 11 (25) Department of natural resources.
- 12 (26) State boxing commission.
- 13 (27) Board of chiropractic examiners.
- 14 (28) Mining board.
- 15 (29) Indiana board of veterinary medical examiners.
- 16 (30) State department of health.
- 17 (31) Indiana physical therapy committee.
- 18 (32) Respiratory care committee.
- 19 (33) Occupational therapy committee.
- 20 (34) Social worker, marriage and family therapist, and mental
- 21 health counselor board.
- 22 (35) Real estate appraiser licensure and certification board.
- 23 (36) State board of registration for land surveyors.
- 24 (37) Physician assistant committee.
- 25 (38) Indiana dietitians certification board.
- 26 (39) Indiana hypnotist committee.
- 27 **(40) Indiana board of registration for soil scientists.**
- 28 ~~(40)~~ **(41)** Any other occupational or professional agency created
- 29 after June 30, 1981.
- 30 (c) Notwithstanding any other law, the entities included in
- 31 subsection (b) shall send a notice of the upcoming expiration of a
- 32 license to each licensee at least sixty (60) days prior to the expiration
- 33 of the license. The notice must inform the licensee of the need to renew
- 34 and the requirement of payment of the renewal fee. If this notice of
- 35 expiration is not sent by the entity, the licensee is not subject to a
- 36 sanction for failure to renew if, once notice is received from the entity,
- 37 the license is renewed within forty-five (45) days of the receipt of the
- 38 notice.
- 39 SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997,
- 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 1998]: Sec. 1. As used in this chapter:
- 42 "Board" means the appropriate agency listed in the definition of
- 43 regulated occupation in this section.
- 44 "Director" refers to the director of the division of consumer
- 45 protection.
- 46 "Division" refers to the division of consumer protection, office of
- 47 the attorney general.
- 48 "Licensee" means a person who is:
- 49 (1) licensed, certified, or registered by a board listed in this
- 50 section; and
- 51 (2) the subject of a complaint filed with the division.

1 "Person" means an individual, a partnership, a limited liability
2 company, or a corporation.

3 "Regulated occupation" means an occupation in which a person is
4 licensed, certified, or registered by one (1) of the following:

- 5 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 6 (2) Board of registration for architects (IC 25-4-1-2).
- 7 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 8 (4) State board of barber examiners (IC 25-7-5-1).
- 9 (5) State boxing commission (IC 25-9-1).
- 10 (6) Board of chiropractic examiners (IC 25-10-1).
- 11 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 12 (8) State board of dental examiners (IC 25-14-1).
- 13 (9) State board of funeral and cemetery service (IC 25-15-9).
- 14 (10) State board of registration for professional engineers
15 (IC 25-31-1-3).
- 16 (11) Indiana state board of health facility administrators
17 (IC 25-19-1).
- 18 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 19 (13) Indiana state board of nursing (IC 25-23-1).
- 20 (14) Indiana optometry board (IC 25-24).
- 21 (15) Indiana board of pharmacy (IC 25-26).
- 22 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 23 (17) Board of podiatric medicine (IC 25-29-2-1).
- 24 (18) Board of environmental health specialists (IC 25-32-1).
- 25 (19) State psychology board (IC 25-33).
- 26 (20) Speech-language pathology and audiology board
27 (IC 25-35.6-2).
- 28 (21) Indiana real estate commission (IC 25-34.1-2).
- 29 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 30 (23) Department of natural resources for purposes of licensing
31 water well drillers under IC 25-39-3.
- 32 (24) Respiratory care committee (IC 25-34.5).
- 33 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 34 (26) Occupational therapy committee (IC 25-23.5).
- 35 (27) Social worker, marriage and family therapist, and mental
36 health counselor board (IC 25-23.6).
- 37 (28) Real estate appraiser licensure and certification board
38 (IC 25-34.1-8).
- 39 (29) State board of registration for land surveyors
40 (IC 25-21.5-2-1).
- 41 (30) Physician assistant committee (IC 25-27.5).
- 42 (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- 43 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 44 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 45 **(34) Indiana board of registration for soil scientists (IC**
46 **25-40-2-1).**
- 47 ~~(34)~~ **(35)** Any other occupational or professional agency created
48 after June 30, 1981.

49 SECTION 3. IC 25-1-8-1, AS AMENDED BY P.L.147-1997,
50 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
51 JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of

- 1 the following:
- 2 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 - 3 (2) Board of registration for architects (IC 25-4-1-2).
 - 4 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 - 5 (4) State board of barber examiners (IC 25-7-5-1).
 - 6 (5) State boxing commission (IC 25-9-1).
 - 7 (6) Board of chiropractic examiners (IC 25-10-1).
 - 8 (7) State board of cosmetology examiners (IC 25-8-3-1).
 - 9 (8) State board of dental examiners (IC 25-14-1).
 - 10 (9) State board of funeral and cemetery service (IC 25-15).
 - 11 (10) State board of registration for professional engineers
 - 12 (IC 25-31-1-3).
 - 13 (11) Indiana state board of health facility administrators
 - 14 (IC 25-19-1).
 - 15 (12) Medical licensing board of Indiana (IC 25-22.5-2).
 - 16 (13) Mining board (IC 22-10-1.5-2).
 - 17 (14) Indiana state board of nursing (IC 25-23-1).
 - 18 (15) Indiana optometry board (IC 25-24).
 - 19 (16) Indiana board of pharmacy (IC 25-26).
 - 20 (17) Indiana plumbing commission (IC 25-28.5-1-3).
 - 21 (18) Board of environmental health specialists (IC 25-32-1).
 - 22 (19) State psychology board (IC 25-33).
 - 23 (20) Speech-language pathology and audiology board
 - 24 (IC 25-35.6-2).
 - 25 (21) Indiana real estate commission (IC 25-34.1-2-1).
 - 26 ~~(22) Until July 1, 1996, Indiana state board of television and radio~~
 - 27 ~~service examiners (IC 25-36-1).~~
 - 28 ~~(23)~~ **(22)** Indiana board of veterinary medical examiners
 - 29 (IC 15-5-1.1-3).
 - 30 ~~(24)~~ **(23)** Department of insurance (IC 27-1).
 - 31 ~~(25)~~ **(24)** State police department (IC 10-1-1-1), for purposes of
 - 32 certifying polygraph examiners under IC 25-30-2.
 - 33 ~~(26)~~ **(25)** Department of natural resources for purposes of
 - 34 licensing water well drillers under IC 25-39-3.
 - 35 ~~(27)~~ **(26)** Private detectives licensing board (IC 25-30-1-5.1).
 - 36 ~~(28)~~ **(27)** Occupational therapy committee (IC 25-23.5-2-1).
 - 37 ~~(29)~~ **(28)** Social worker, marriage and family therapist, and
 - 38 mental health counselor board (IC 25-23.6-2-1).
 - 39 ~~(30)~~ **(29)** Real estate appraiser licensure and certification board
 - 40 (IC 25-34.1-8).
 - 41 ~~(31)~~ **(30)** State board of registration for land surveyors
 - 42 (IC 25-21.5-2-1).
 - 43 ~~(32)~~ **(31)** Physician assistant committee (IC 25-27.5).
 - 44 ~~(33)~~ **(32)** Indiana athletic trainers certification board
 - 45 (IC 25-5.1-2-1).
 - 46 ~~(34)~~ **(33)** Board of podiatric medicine (IC 25-29-2-1).
 - 47 ~~(35)~~ **(34)** Indiana dietitians certification board (IC 25-14.5-2-1).
 - 48 **(35) Indiana board of registration for soil scientists**
 - 49 **(IC 25-40-2-1).**
 - 50 (36) Any other occupational or professional agency created after

June 30, 1981.

SECTION 4. IC 25-1-11-1, AS AMENDED BY P.L.234-1995, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(13)~~ (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- ~~(14)~~ (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Indiana board of registration for soil scientists (IC 25-40-2-1).

SECTION 5. IC 25-40 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]:

ARTICLE 40. PROFESSIONAL SOIL SCIENTISTS

Chapter 1. Applicability and Definitions

Sec. 1. This article does not apply to the following individuals:

- (1) An officer or employee of the:
 - (A) federal government;
 - (B) state government; or
 - (C) local government;
 while engaged in providing soil science services for the officer's or employee's employer.
- (2) An individual engaged solely in soil science research or the instruction of soil science.
- (3) An individual not engaged in the public practice of soil science.
- (4) A professional engineer registered under IC 25-31.
- (5) A professional geologist certified under IC 25-17.6 who applies soil science to the practice of geology.
- (6) A person who is a certified professional erosion and sediment control specialist (CPESC) or soil conservationist who uses soil science in making land use decisions for the conservation of soil and water resources.
- (7) A professional wetlands specialist who applies soil science for the purpose of making wetland delineations or determinations.

Sec. 2. The definitions in this chapter apply throughout this

1 article.

2 Sec. 3. "Board" refers to the Indiana board of registration for
3 soil scientists established by IC 25-40-2-1.

4 Sec. 4. "Registered professional soil scientist" means an
5 individual who is registered as a professional soil scientist under
6 IC 25-40-4.

7 Sec. 5. "Registered associate soil scientist" means an individual
8 who is registered as an associate soil scientist under IC 25-40-4.

9 Sec. 6. "Registered soil scientist" means:

- 10 (1) a registered professional soil scientist; or
11 (2) a registered associate soil scientist.

12 Sec. 7. "Registration" means the act of registering a
13 professional soil scientist or an associate soil scientist under
14 IC 25-40-4.

15 Sec. 8. "Soil scientist" means an individual who, by the
16 individual's knowledge of the principles of soil science acquired by
17 professional education and practical experience, is qualified to
18 practice soil science.

19 Sec. 9. "Soil science" means the observation, identification,
20 description, classification, mapping, evaluation, experimental
21 investigation, and theoretical explanation of soils.

22 Sec. 10. "Soil" means the unconsolidated mineral or organic
23 matter on the surface of the earth that has been subjected to and
24 influenced by genetic and environmental factors of parent
25 material, climate (including water and temperature effects),
26 microorganisms, and topography, all acting over time and
27 producing a product that differs from the material from which it
28 is derived in many physical, chemical, biological, and
29 morphological properties and characteristics.

30 Sec. 11. "Public practice of soil science" means the performance
31 of service to the public in connection with soil science.

32 Sec. 12. "State chemist" refers to the state chemist appointed
33 under IC 15-3-3-2.

34 Chapter 2. Board of Registration for Soil Scientists

35 Sec. 1. The board of registration for soil scientists is established.
36 The board shall administer this article.

37 Sec. 2. Each member of the board must be:

- 38 (1) a resident of Indiana; and
39 (2) appointed by the governor.

40 Sec. 3. The board consists of five (5) members, including the
41 following:

- 42 (1) Four (4) registered professional soil scientists, not more
43 than two (2) may be from the same political party.
44 (2) One (1) member who represents the public at large.

45 Sec. 4. (a) Each board member serves a term of four (4) years.

46 (b) A board member may serve until the member's successor is
47 appointed and qualified under this chapter.

48 (c) A board member may not serve more than two (2)
49 consecutive terms.

50 Sec. 5. (a) The governor may remove a board member for cause.

51 (b) A vacancy in the membership of the board is filled by

1 appointment of the governor for the unexpired term.

2 Sec. 6. (a) Three (3) members of the board constitute a quorum.

3 (b) The board may not take official action without at least three
4 (3) votes being in accord.

5 Sec. 7. Each year the board shall elect from its members a
6 chairman and a secretary.

7 Sec. 8. (a) At least thirty (30) days before the appointment of a
8 board member under this chapter, the organizations representing
9 professional soil scientists in Indiana shall jointly provide the
10 governor with a list of not more than three (3) nominations for the
11 appointment.

12 (b) Members appointed to the board may be selected from the
13 list submitted to the governor under subsection (a).

14 Sec. 9. (a) A member of the board who is not a state employee is
15 not entitled to the minimum salary per diem provided by
16 IC 4-10-11-2.1(b). However, the member is entitled to
17 reimbursement for traveling expenses as provided in IC 4-13-1-4
18 and other expenses actually incurred in connection with the
19 member's duties as provided in the state policies and procedures
20 established by the Indiana department of administration and
21 approved by the budget agency.

22 (b) A member of the board who is a state employee is entitled to
23 reimbursement for traveling expenses as provided in IC 4-13-1-4
24 and other expenses actually incurred in connection with the
25 member's duties as provided in the state policies and procedures
26 established by the Indiana department of administration and
27 approved by the budget agency.

28 Chapter 3. Duties and Powers of the Board

29 Sec. 1. (a) The board shall meet:

30 (1) at least one (1) time each calendar year; and

31 (2) at other times, when:

32 (A) the chairman; or

33 (B) a quorum of the board;

34 considers a meeting necessary.

35 (b) The members of the board must be notified of the date, time,
36 and location of a meeting of the board at least ten (10) days before
37 the meeting.

38 Sec. 2. The board shall establish fees under IC 25-1-8.

39 Sec. 3. (a) The board shall determine the qualifications of
40 applicants for registration.

41 (b) The board shall:

42 (1) require an applicant for registration to submit evidence of
43 the applicant's qualifications; and

44 (2) judge an applicant on evidence of the applicant's
45 professional competency and integrity under rules adopted by
46 the board.

47 Sec. 4. (a) The board may adopt rules under IC 4-22-2 to
48 establish a code of professional conduct for registered soil
49 scientists.

50 (b) If the board adopts or amends a code of professional conduct
51 under subsection (a), the board shall mail a copy of the code and

any amendments to the code to all individuals listed on the roster published under section 7 of this chapter.

(c) A mailing under this section constitutes service for purposes of this article.

Sec. 5. (a) The attorney general shall act as legal adviser to the board and provide any legal assistance necessary to carry out this article.

(b) The board may employ private counsel at the expense of the board.

Sec. 6. (a) The board shall enter into a contract with the state chemist under which:

(1) the state chemist provides:

(A) clerical support;

(B) record keeping services; and

(C) office space;

to the board; and

(2) the board pays compensation to the state chemist at a rate and at intervals set by the contract.

(b) The contract entered into under this section may include provisions under which the state chemist, in exchange for compensation, fills needs of the board other than those described in subsection (a)(1).

Sec. 7. (a) Each year the board shall publish a roster including the names, addresses, and places of business of all registered soil scientists.

(b) Copies of the roster published under subsection (a) must be:

(1) made available to each registered soil scientist; and

(2) furnished to members of the public upon request.

Sec. 8. The board may adopt rules under IC 4-22-2 that are consistent with this article and reasonably required for the conduct of the board's responsibilities and duties.

Sec. 9. (a) The soil scientist registration fund is established to carry out the purposes of this article. The fund is administered by the board.

(b) The sources of money for the fund are the:

(1) registration fees paid under IC 25-40-4-10; and

(2) renewal fees paid under IC 25-40-6-3.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The board shall submit the money in the fund to the state chemist on an annual basis. All funds submitted to the state chemist under this section shall be paid to the treasurer of Purdue University to be used in meeting all necessary expenses in carrying out this article.

(e) Money in the fund at the end of a state fiscal year reverts to the state general fund.

Chapter 4. Requirements for Registration as a Professional Soil Scientist or an Associate Soil Scientist

Sec. 1. To qualify for registration as a professional soil scientist under this chapter, an applicant must:

(1) satisfy the education requirement of section 2 of this

chapter;

(2) pass the examinations described in section 3 of this chapter; and

(3) satisfy the work requirement of section 4 of this chapter.

Sec. 2. (a) The education requirement referred to in section 1 of this chapter consists of a bachelor's degree or advanced degree in soil science or a closely allied field in which the curriculum includes the following:

(1) At least fifteen (15) semester hours of course work in the soil sciences, including at least three (3) semester hours in courses that emphasize the field study of soils, such as soil genesis, morphology, classification, interpretation, and mapping.

(2) At least forty-five (45) semester hours of course work in supporting sciences, including biology, chemistry, crop science, engineering, geology, mathematics, physics, and statistics.

(b) The board shall determine which courses fulfill the requirements described in subsection (a)(1).

(c) The board shall specify the minimum number of credits in each type of supporting science that is needed to satisfy the requirement described in subsection (a)(2).

(d) If course credits used by an applicant to qualify for registration are in units other than semester hours, the board shall use the most generally accepted factor to convert the units to semester hour equivalents.

Sec. 3. The board shall require an applicant for registration as a professional soil scientist to pass:

(1) a written examination designed to demonstrate whether the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of soil science; and

(2) an examination that evaluates field skills in soil morphology and landscape analysis.

Sec. 4. (a) The work requirement referred to in section 1 of this chapter consists of three (3) years of professional experience in soil science.

(b) Experience obtained while working on an advanced degree does not qualify toward the satisfaction of the work requirement of subsection (a). However, the board may allow up to:

(1) one (1) year of work credit for a master's degree; and

(2) two (2) years of work credit for a doctorate.

(c) The board shall:

(1) evaluate all work experience claimed by an applicant to satisfy the work requirement under this section; and

(2) determine the amount of work credit to grant to each applicant.

Sec. 5. A registered associate soil scientist who satisfies the work requirement of section 4 of this chapter is eligible to become a registered professional soil scientist.

Sec. 6. (a) To qualify for registration as an associate soil scientist

under this chapter, an individual:

(1) must satisfy the education requirement of section 2 of this chapter and pass the examinations described in section 3 of this chapter; but

(2) is not required to satisfy the work requirement of section 4 of this chapter.

(b) The board may establish a maximum period during which an individual may be registered as an associate soil scientist.

Sec. 7. The board may require an individual applying for registration under this chapter to provide documentation of competency and integrity.

Sec. 8. Upon application by the individual, the board may allow the registration under this chapter of an individual who is registered as a soil scientist in a state that, as determined by the board, has standards for registration at least equal to those of this chapter.

Sec. 9. An individual who:

(1) seeks registration under this chapter; and

(2) is aggrieved by a determination of the board under this chapter;

may request administrative review under IC 25-40-9.

Sec. 10. (a) An individual applying for registration under this chapter must pay a nonrefundable registration fee in an amount established by rules adopted by the board under IC 4-22-2.

(b) All registration fees collected by the board under this section shall be deposited in the fund established by IC 25-40-3-9.

(c) The board shall execute a bond, with corporate surety, in an amount to be determined by the board.

Chapter 5. Certificates; Seal or Stamp

Sec. 1. (a) Upon receipt of the registration fee required by IC 25-40-4-10, the board shall issue a registration certificate to an applicant who, in the opinion of the board, satisfies all the requirements for registration under IC 25-40-4.

(b) Each certificate must show the full name of the board.

Sec. 2. The issuance of a registration certificate to a professional soil scientist by the board is prima facie evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered professional soil scientist while the certificate remains in force.

Sec. 3. A replacement certificate may be issued to replace a certificate that has been lost, destroyed, or mutilated, subject to the rules of the board.

Sec. 4. Each registered professional soil scientist may obtain and use a seal or stamp of registration. The design of the seal or stamp must:

(1) be authorized by the board; and

(2) contain:

(A) the soil scientist's name and registration number; and

(B) the legend "Registered Professional Soil Scientist".

Sec. 5. After a soil scientist's registration is suspended or revoked, the soil scientist may not:

1 (1) affix the soil scientist's signature, stamp, or seal on; or
 2 (2) certify;
 3 any soil science report or other soil science document unless the
 4 registration has been renewed or reissued.

5 **Chapter 6. Renewal of Certificates; Continuing Education**

6 **Sec. 1.** A registration certificate issued under IC 25-40-5 expires
 7 three (3) years after it is issued, at a time and date designated by
 8 the board.

9 **Sec. 2.** The board shall adopt rules under IC 4-22-2 establishing
 10 continuing education requirements that must be met for the
 11 renewal of registration certificates. The requirements established
 12 by the board must involve the description and evaluation of soils in
 13 the field.

14 **Sec. 3. (a)** An individual applying for the renewal of a certificate
 15 of registration under this chapter must pay a nonrefundable
 16 renewal fee in an amount established by rules adopted by the
 17 board under IC 4-22-2.

18 **(b)** All renewal fees collected by the board under this section
 19 must be deposited in the fund established by IC 25-40-3-9.

20 **Sec. 4. (a)** The board shall notify each individual registered
 21 under this article of:

22 (1) the date of expiration of the individual's certificate; and

23 (2) the amount of the renewal fee established by the board.

24 **(b)** The renewal notice must comply with IC 25-1-2-6.

25 **Sec. 5.** If an individual fails to pay the renewal fee within ninety
 26 (90) days after the expiration date established by the board under
 27 this chapter, the board shall:

28 (1) suspend the individual's registration under this article;
 29 and

30 (2) delete the individual's name from the roster published
 31 under IC 25-40-3-7;

32 until the renewal fee is paid.

33 **Sec. 6. (a)** If an individual fails to pay the renewal fee for two (2)
 34 years, the board shall revoke the individual's certificate of
 35 registration.

36 **(b)** If an individual whose certificate has been revoked under
 37 subsection (a) desires to be reregistered, the individual:

38 (1) must submit an application to the board; and

39 (2) shall be considered as a new applicant.

40 **Chapter 7. Activities Prohibited to Individuals Who Are Not**
 41 **Registered Professional Soil Scientists**

42 **Sec. 1.** Except for:

43 (1) an individual described in IC 25-40-1-1; and

44 (2) an individual who is not a registered professional soil
 45 scientist but is authorized by statute or administrative rule to
 46 prepare a report or document;

47 it is unlawful for an individual other than a registered professional
 48 soil scientist or a subordinate under the direction of a registered
 49 professional soil scientist to prepare a soil science report or
 50 document that is required to be prepared by a registered
 51 professional soil scientist under a statute, an administrative rule,

or a client's request.

Sec. 2. An individual who is not a registered professional soil scientist may not:

(1) use; or

(2) assume or advertise in any way;

a title or description tending to convey the impression that the individual is a registered professional soil scientist.

Chapter 8. Proceedings Against a Registered Soil Scientist

Sec. 1. The office of the attorney general shall receive, investigate, and prosecute complaints against a registered soil scientist according to the procedures under IC 25-1-7.

Sec. 2. A registered soil scientist is subject to disciplinary sanctions by the board under IC 25-1-11 if the registered soil scientist:

(1) violates the code of professional conduct adopted under IC 25-40-3-4; or

(2) violates the professional standards under IC 25-1-11-5.

Sec. 3. An individual who knowingly or intentionally does any of the following commits a Class B infraction:

(1) Falsely professes to be a registered soil scientist in violation of IC 25-40-7.

(2) Presents or attempts to use as one's own the registration or a seal of another.

(3) Gives false or forged evidence to:

(A) the board; or

(B) a member of the board;

in order to obtain registration.

(4) Falsely impersonates another soil scientist.

(5) Uses or attempts to use a certificate of registration that is suspended, revoked, or expired.

Chapter 9. Administrative Review and Judicial Review

Sec. 1. If requested, an administrative review of a determination made by the board under IC 25-40-3, IC 25-40-4, or IC 25-40-8 shall be conducted before an administrative law judge appointed by the natural resources commission under IC 14-10-2-2.

Sec. 2. The parties to the proceeding include:

(1) the individual taking administrative review of the determination by the board; and

(2) the board.

Sec. 3. An administrative law judge appointed under section 1 of this chapter is the ultimate authority for the board for the purposes of IC 4-21.5-3-27, and the order of the administrative law judge disposing of a proceeding is a final order.

Sec. 4. A party who is dissatisfied with a final order rendered by an administrative law judge in a proceeding under this chapter may obtain judicial review of the final order under IC 4-21.5-5.

SECTION 6. [EFFECTIVE JULY 1, 1998] (a) Notwithstanding IC 25-40-2-4, as added by this act, the terms of members appointed initially to the Indiana board of registration for soil scientists established by IC 25-40-2-1 are as follows:

(1) One (1) member is appointed for a term of one (1) year.

1 (2) One (1) member is appointed for a term of two (2) years.

2 (3) One (1) member is appointed for a term of three (3) years.

3 (4) Two (2) members are appointed for a term of four (4)
4 years.

5 (b) Notwithstanding IC 25-40-2-3(1), as added by this act, a
6 member appointed initially to the Indiana board of registration for
7 soil scientists established by IC 25-40-2-1 shall be certified as soil
8 classifier or soil scientist by the American Registry of Certified
9 Professionals in Agronomy, Crops, and Soils (ARCPACS).

10 (c) The board shall waive education and examination
11 requirements for registration under IC 25-40-4, as added by this
12 act, for an individual who, on January 1, 1999, is:

13 (1) certified as a soil classifier or soil scientist by:

14 (A) the American Registry of Certified Professionals in
15 Agronomy, Crops, and Soils (ARCPACS); or

16 (B) the Indiana Association of Professional Soil Classifiers
17 (IAPSC); and

18 (2) in good standing as a professional soil scientist.

19 (d) The board shall waive the education and examination
20 requirements for registration under IC 25-40-4, as added by this
21 act, of an individual who is practicing as a soil scientist similarly to
22 those who qualify under subsection (c), but who is not certified by
23 ARCPACS and IAPSC if the individual:

24 (1) has at least five (5) years of experience in evaluating soil
25 morphology and soil landscapes and has submitted reports
26 dealing with environmental aspects of soil science acceptable
27 to:

28 (A) a county board of health;

29 (B) the state department of health;

30 (C) the department of environmental management; or

31 (D) a similar agency; and

32 (2) provides to the satisfaction of the board:

33 (A) examples of the individual's professional work; and

34 (B) names of people who can evaluate the individual's
35 professional competence and adherence to ethical
36 standards.

37 (e) Notwithstanding IC 25-40, as added by this act, an individual
38 is not required to register with the Indiana board of registration
39 for soil scientists to practice soil science (as defined by
40 IC 25-40-1-9, as added by this act).

41 (f) This SECTION expires January 1, 2000.

(Reference is to ESB 272 as printed February 16, 1998.)

Conference Committee Report
on
Senate Bill 272

Signed by:

Senator Server

Representative Stilwell

Senator Gery

Representative Mangus

Senate Conferees

House Conferees